

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Ernest Lail, # 11572-057,)	
)	
Plaintiff,)	No. 1:14-cv-4275-RMG
)	
vs.)	
)	
Ellen Rivera, Warden; Halbert Watson,)	
Lieutenant; Carl Culvert, Lieutenant;)	
Carlson, Lieutenant; Gonzalez, Captain;)	ORDER
and John Doe, Mail Room Supervisor,)	
)	
Defendants.)	
)	

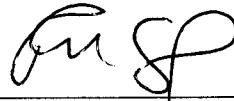
This matter comes before the Court on the Report and Recommendation (“R & R”) of the Magistrate Judge, recommending that Defendant’s action be summarily dismissed without prejudice and without service of process because the Complaint contains allegations that are “implausible, frivolous and delusional.” (Dkt. No. 7 at 5). Plaintiff has filed a response to the R & R essentially rearguing the allegations contained in his complaint. (Dkt. No. 14).

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). This Court is charged with making a de novo determination of those portions of the R & R to which objection is made. *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting 28 U.S.C. § 636(b)(1)); accord Fed. R. Civ. P. 72(b).

The Court has reviewed the Complaint in this matter, the R & R and the Plaintiff’s objections. The Court concurs in the findings and conclusions of the Magistrate Judge that

Plaintiff's claims do not remotely state a plausible set of facts or any claim for relief. Therefore, the Court **ADOPTS** in full the Magistrate Judge's Report and Recommendation (Dkt. No. 7) as the order of this Court. Accordingly, Plaintiff's action is **DISMISSED** without prejudice.

IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

January 16, 2015
Charleston, South Carolina